

**REMARKS**

Claims 5 and 8-11 are pending in this application. By this Amendment, claim 5 is amended. The amendments introduce no new matter because they are made to clarify the subject matter recited in claim 5. Reconsideration of the application based on the above amendments and following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed below; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Tran during the March 5 personal interview. Applicants' separate record of a summary of the substance of the interview is contained in the following remarks.

The Office Action, on page 4, states that claims 10 and 11 are allowed. Applicants appreciate the allowance of these claims.

The Office Action, on page 2, rejects claims 5, 8 and 9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,966,930 to Hatano et al. (hereinafter "Hatano"). This rejection is respectfully traversed.

Hatano teaches a catalyst deterioration-determining system for an internal combustion engine in which determination of the deterioration of catalysts is carried out based on the output from an oxygen concentration sensor during execution of air/fuel ratio feedback control (Abstract). In this regard, Hatano teaches a conventional timing scheme in which the time between any first change in the air/fuel ratio and a subsequent (or second) change in the

air/fuel ratio is based a on a predetermined time period. It is for this reason that the oxygen storage capacity of the catalyst disclosed in Hatano may not be used up when the subsequent change occurs in the air/fuel ratio because the subsequent change is based solely on a predetermined time having elapsed.

Claim 5 recites, among other features, a controller that controls the internal combustion engine to change an air/fuel ratio of exhaust gas upstream of the catalyst when an integrated value of an intake air volume of the internal combustion engine becomes a predetermined value, the integrated value being integrated until a second timing after the integrated value is reset at a first timing, the second timing being determined based on the determination result of the air/fuel ratio of exhaust gas downstream of the catalyst, wherein the first timing is when the determination result of the air/fuel ratio is changed, and the second timing is when the determination result of the air/fuel ratio is subsequently changed, the second time occurring when the integrated value of the intake air volume of the internal combustion engine becomes the predetermined value. As is positively recited in claim 5, the second timing is determined based on the integrated value becoming a predetermined value, not on a predetermined elapsed time. In other words, the timing for executing the second timing in the subject matter of the pending claims is based on an integrated value of an intake air volume becoming a predetermined value, for example, when a oxygen storage capacity of the catalyst is used up.

In disclosing that the second timing occurs at the elapse of a predetermined time, Hatano cannot reasonably be considered to teach, or to have suggested, the combination of all the features positively recited in independent claim 5.

Applicants' representative presented the above arguments to Examiner Tran during the March 5 personal interview. The Examiner indicated that he understood Applicants' arguments of the second timing being determined based on a determination result of the

air/fuel ratio of exhaust gas downstream of the catalyst. Examiner Tran expressed some concern regarding the claim language. It is for this reason that Applicants slightly amend claim 5 in order to clarify the subject matter recited therein to address the Examiner's concerns. Examiner Tran indicated that he would consider Applicants' arguments further when a formal response was submitted.

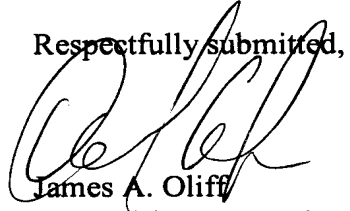
In view of the foregoing, Hatano cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in independent claim 5. Further, claims 8 and 9 are also neither taught, nor would they have been suggested, by Hatano for at least the respective dependence of these claims on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 5, 8 and 9 under 35 U.S.C. §102(b) as being anticipated by Hatano are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 5, 8 and 9, in addition to the allowance of claims 10 and 11, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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